

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FISCHER *et al.*

Appl. No.: 10/579,099

(U.S. Nat'l Phase of Int'l Appl.
No. PCT/EP2004/012646)

Int'l Filing Date: November 9, 2004

For: **2-Ethyl-4,6-Dimethyl-Phenyl-
Substituted Tetramic Acid
Derivatives as Pest Control Agents
and/or Herbicides**

Confirmation No.: 6737

Art Unit: *To be Assigned*

Examiner: *To be Assigned*

Atty. Docket: 2400.0400000/VLC/THN

**Information Disclosure Statement
under 37 C.F.R. § 1.97(b)**

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP53** and **NPL1** to **NPL33** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of the U.S. patents and a patent application publication cited on the attached Form PTO/SB/08A, documents **US1** to **US3**, are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **FP1** to **FP6**, **FP8** to **FP20**, **FP22** to **FP23**, **FP25** to **FP53**, **NPL2**, and **NPL7**, cited on Forms PTO/SB/08A and PTO/SB/08B:

Document **FP1**, DE 2 218 097, is in the German language. An English language abstract of document FP1 is cited as document **NPL10** and submitted herewith.

Document **FP2**, DE 2 350 547, is in the German language. An English language abstract of document FP2 is cited as document **NPL11** and submitted herewith.

Document **FP3**, EP 0 086 750 A2, is in the German language. An English language abstract of document FP3 is cited as document **NPL12** and submitted herewith.

Document **FP4**, EP 0 094 349 A2, is in the German language. An English language abstract of document FP4 is cited as document **NPL13** and submitted herewith.

Document **FP5**, EP 0 174 562 A2, is in the German language. An English language abstract of document FP5 is cited as document **NPL14** and submitted herewith.

Document **FP6**, EP 0 191 736 A2, is in the German language. An English language abstract of document FP6 is cited as document **NPL15** and submitted herewith.

Document **FP8**, EP 0 269 806 A1, is in the German language. An English language abstract of document FP8 is cited as document **NPL16** and submitted herewith.

Document **FP9**, EP 0 331 131 A1, is in the German language. An English language abstract of document FP9 is cited as document **NPL17** and submitted herewith.

Document **FP10**, EP 0 346 620 A1, is in the German language. An English language abstract of document FP10 is cited as document **NPL18** and submitted herewith.

Document **FP11**, EP 0 355 599 A1, is in the German language. An English language abstract of document FP11 is cited as document **NPL19** and submitted herewith.

Document **FP12**, EP 0 377 893 A2, is in the German language. An English language abstract of document FP12 is cited as document **NPL20** and submitted herewith.

Document **FP13**, EP 0 415 211 A2, is in the German language. An English language abstract of document FP13 is cited as document **NPL21** and submitted herewith.

Document **FP14**, WO 91/07874 A1, is in the German language. An English language abstract of document FP14 can be found on the face page of the published patent application.

Document **FP15**, WO 91/08202 A1, is in the German language. An English language abstract of document FP15 can be found on the face page of the published patent application.

Document **FP16**, EP 0 442 073 A2, is in the German language. An English language abstract of document FP16 is cited as document **NPL22** and submitted herewith.

Document **FP17**, EP 0 442 077 A2, is in the German language. An English language abstract of document FP17 is cited as document **NPL23** and submitted herewith.

Document **FP18**, EP 0 456 063 A2, is in the German language. An English language abstract of document FP18 is cited as document **NPL24** and submitted herewith.

Document **FP19**, EP 0 492 366 A2, is in the German language. An English language abstract of document FP19 is cited as document **NPL25** and submitted herewith.

Document **FP20**, EP 0 521 334 A1, is in the German language. An English language abstract of document FP20 is cited as document **NPL26** and submitted herewith.

Document **FP22**, EP 0 582 198 A2, is in the German language. An English language abstract of document FP22 is cited as document **NPL27** and submitted herewith.

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Document **FP30**, WO 95/20572 A1, is in the German language. An English language abstract of document FP30 can be found on the face page of the published patent application.

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Document **FP32**, WO 95/26954 A1, is in the German language. An English language abstract of document FP32 can be found on the face page of the published patent application.

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Document **FP35**, WO 97/01535 A1, is in the German language. An English language abstract of document FP35 can be found on the face page of the published patent application.

Document **FP36**, WO 97/02243 A1, is in the German language. An English language abstract of document FP36 can be found on the face page of the published patent application.

Document **FP37**, WO 97/36868 A1, is in the German language. An English language abstract of document FP37 can be found on the face page of the published patent application.

Document **FP38**, WO 97/43275 A2, is in the German language. An English language abstract of document FP38 can be found on the face page of the published patent application.

Document **FP39**, DE 196 21 522 A1, is in the German language. An English language abstract of document FP39 is cited as document **NPL32** and submitted herewith.

Document **FP40**, WO 98/05638 A2, is in the German language. An English language abstract of document FP40 can be found on the face page of the published patent application.

Document **FP41**, WO 98/06721 A1, is in the German language. An English language abstract of document FP41 can be found on the face page of the published patent application.

Document **FP42**, WO 98/25928 A1, is in the German language. An English language abstract of document FP42 can be found on the face page of the published patent application.

Document **FP43**, WO 99/16748 A1, is in the German language. An English language abstract of document FP43 can be found on the face page of the published patent application.

Document **FP44**, WO 99/24437 A1, is in the German language. An English language abstract of document FP44 can be found on the face page of the published patent application.

Document **FP45**, WO 99/43649 A1, is in the German language. An English language abstract of document FP45 can be found on the face page of the published patent application.

Document **FP46**, WO 99/48869 A1, is in the German language. An English language abstract of document FP46 can be found on the face page of the published patent application.

Document **FP47**, WO 99/55673 A1, is in the German language. An English language abstract of document FP47 can be found on the face page of the published patent application.

Document **FP48**, WO 99/66795 A1, is in the German language. An English language abstract of document FP48 can be found on the face page of the published patent application.

Document **FP49**, WO 01/09092 A1, is in the German language. An English language abstract of document FP49 can be found on the face page of the published patent application.

Document **FP50**, WO 01/17972 A2, is in the German language. An English language abstract of document FP50 can be found on the face page of the published patent application.

Document **FP51**, WO 01/23354 A2, is in the German language. An English language abstract of document FP51 can be found on the face page of the published patent application.

Document **FP52**, WO 01/74770 A1, is in the German language. An English language equivalent of document FP52 is listed as document **US3**.

Document **FP53**, WO 03/013249 A1, is in the German language. An English language abstract of document FP53 can be found on the face page of the published patent application.

Document **NPL2**, Compagnon, P.L. and Miocque, M., "Addition Des Réactifs Nucléophiles Sur La Triple Liaison Nitrile," *Annales de Chimie* 5:11-22, Masson-Periodiques (1970), is in the French language. An English language abstract of document NPL2 can be found on the face page of the article.

Document **NPL7**, Schmierer, R. and Mildenberger, H., "Cyclisierung von *N*-Acylalanin- und *N*-Acylglycinester," *Liebigs Ann. Chem.* 1985:1095-1098, VCH Verlagsgesellschaft mbH (1985), is in the German language. An English language abstract of document **NPL7** can be found on the face page of the article.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Information Disclosure Statement Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

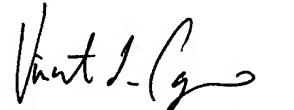
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Vincent L. Capuano
Attorney for Applicants
Registration No. 42,3859

Date: 2/14/07

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/579,099 (U. S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/012646)
				Int'l Filing Date	November 9, 2004
				First Named Inventor	FISCHER, Reiner
				Art Unit	To be Assigned
				Examiner Name	To be Assigned
Sheet	1	of	6	Attorney Docket Number	2400.0400000/VLC/THN

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If Known)			
	US1	6,235,680 B1	05/22/2001	Ziemer <i>et al.</i>	
	US2	6,251,827 B1	06/26/2001	Ziemer <i>et al.</i>	
	US3	2003/0216260 A1	11/20/2003	Ruther <i>et al.</i>	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			
	FP1	DE 2 218 097	11/02/1972	Stauffer Chemical Co.	Abs
	FP2	DE 2 350 547	04/25/1974	Stauffer Chemical Co.	Abs
	FP3	EP 0 086 750 A2	08/24/1983	Ciba-Geigy AG	Abs
		EP 0 086 750 A3			
	FP4	EP 0 094 349 A2	11/16/1983	Ciba-Geigy AG	Abs
		EP 0 094 349 A3			
	FP5	EP 0 174 562 A2	03/19/1986	Hoechst Aktiengesellschaft	Abs
		EP 0 174 562 A3			
	FP6	EP 0 191 736 A2	08/20/1986	Ciba-Geigy AG	Abs
		EP 0 191 736 A3			
	FP7	EP 0 262 399 A2 EP 0 262 399 A3	04/06/1988	Takeda Chemical Industries, Ltd.	
	FP8	EP 0 269 806 A1	06/08/1988	Hoechst Aktiengesellschaft	Abs
	FP9	EP 0 333 131 A1	09/20/1989	Hoechst Aktiengesellschaft	Abs

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Sheet	2	of	6
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Application Number

10/579,099

(U. S. Nat'l Phase of Int'l Appl.
No. PCT/EP2004/012646)

Int'l Filing Date

November 9, 2004

First Named Inventor

FISCHER, Reiner

Art Unit

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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ² Number ⁴ Kind Code ³ (if known)			
	FP10	EP 0 346 620 A1	12/20/1989	Hoechst Aktiengesellschaft	Abs
	FP11	EP 0 355 599 A1	02/28/1990	Bayer AG	Abs
	FP12	EP 0 377 893 A2 EP 0 377 893 A3	07/18/1990	Bayer AG	Abs
	FP13	EP 0 415 211 A2 EP 0 415 211 A3	03/06/1991	Bayer AG	Abs
	FP14	WO 91/07874 A1	06/13/1991	Hoechst Aktiengesellschaft and Rösch <i>et al.</i>	Abs
	FP15	WO 91/08202 A1	06/13/1991	Hoechst Aktiengesellschaft and Löher <i>et al.</i>	Abs
	FP16	EP 0 442 073 A2 EP 0 442 073 A3	08/21/1991	Bayer AG	Abs
	FP17	EP 0 442 077 A2 EP 0 442 077 A3	08/21/1991	Bayer AG	Abs
	FP18	EP 0 456 063 A2 EP 0 456 063 A3	11/13/1991	Bayer AG	Abs

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				Application Number	10/579,099 (U. S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/012646)
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				Attorney Docket Number	2400.0400000/VLC/THN
Sheet	5	of	6		

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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ² Number ⁴ Kind Code ⁵ (if known)			
	FP37	WO 97/36868 A1	10/09/1997	Bayer Aktiengesellschaft and Lieb <i>et al.</i>	Abs
	FP38	WO 97/43275 A2 WO 97/43275 A3	11/20/1997	Bayer Aktiengesellschaft and Lieb <i>et al.</i>	Abs
	FP39	DE 196 21 522 A1	12/04/1997	Hoechst Schering AgrEvo GmbH	Abs
	FP40	WO 98/05638 A2 WO 98/05638 A3	02/12/1998	Bayer Aktiengesellschaft and Lieb <i>et al.</i>	Abs
	FP41	WO 98/06721 A1	02/19/1998	Bayer Aktiengesellschaft and Fischer <i>et al.</i>	Abs
	FP42	WO 98/25928 A1	06/19/1998	Bayer Aktiengesellschaft and Hagemann <i>et al.</i>	Abs
	FP43	WO 99/16748 A1	04/08/1999	Bayer Aktiengesellschaft and Fischer <i>et al.</i>	Abs
	FP44	WO 99/24437 A1	05/20/1999	Bayer Aktiengesellschaft and Hagemann <i>et al.</i>	Abs
	FP45	WO 99/43649 A1	09/02/1999	Bayer Aktiengesellschaft and Lieb <i>et al.</i>	Abs

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Sheet	1	of	4	Attorney Docket Number	2400.0400000/VLC/THN

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL1	Bhattacharya, B., "Isoquinoline Derivatives: Part XVIII—Formation of 1-Alkyl-(or alkaryl or aryl)-3-methyl-7-chloro-(or 5-chloro)-isoquinolines," <i>Indian J. Chem.</i> 6:341-345, Council of Scientific & Industrial Research (1968)	
	NPL2	Compagnon, P.L. and Miocque, M., "Addition Des Réactifs Nucléophiles Sur La Triple Liaison Nitrile," <i>Annales de Chimie</i> 5:11-22, Masson - Periodiques (1970)	Abs
	NPL3	Harrison, H.R., <i>et al.</i> , "Use of molecular sieves in the methyl esterification of carboxylic acids," <i>Chem. Ind.</i> 45:1568, Society of Chemical Industry (1968)	
	NPL4	Lee, S., <i>et al.</i> , "Palladium-Catalyzed α -Arylation of Esters and Protected Amino Acids," <i>J. Am. Chem. Soc.</i> 123:8410-8411, American Chemical Society (2001)	
	NPL5	Lloyd-Jones, G.C., "Palladium-Catalyzed α -Arylation of Esters: Ideal New Methodology for Discovery Chemistry," <i>Angew. Chem. Int. Ed.</i> 41:953-956, Wiley-VCH Verlag GmbH (2002)	
	NPL6	Moradi, W.A. and Buchwald, S.L., "Palladium-Catalyzed α -Arylation of Esters," <i>J. Am. Chem. Soc.</i> 123:7996-8002, American Chemical Society (2001)	
	NPL7	Schmierer, R. and Mildenerger, H., "Cyclisierung von N-Acylalanin- und N-Acylglycinestern," <i>Liebigs Ann. Chem.</i> 1985:1095-1098, VCH Verlagsgesellschaft mbH (1985)	Abs
	NPL8	Sonntag, N.O.V., "The Reactions of Aliphatic Acid Chlorides," <i>Chem. Rev.</i> 52:237-416, American Chemical Society (1953)	
	NPL9	Suzuki, S. <i>et al.</i> , "Studies on Antiviral Agents. IV. Biological Activity of Tenuazonic Acid Derivatives," <i>Chem. Pharm. Bull</i> 15:1120-1122, Pharmaceutical Society of Japan (1967)	

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				Art Unit	To be Assigned
				Examiner Name	To be Assigned
Sheet	2	of	4	Attorney Docket Number	2400.0400000/VLC/THN

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Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T ²
	NPL10	Dialog File 351, Accession No. 502720, Derwent WPI English language abstract for DE 2 218 097 (listed on accompanying PTO/SB/08A as document FP1)	
	NPL11	Dialog File 351, Accession No. 629712, Derwent WPI English language abstract for DE 2 350 547 (listed on accompanying PTO/SB/08A as document FP2)	
	NPL12	Dialog File 351, Accession No. 2714950, Derwent WPI English language abstract for EP 0 086 750 A2 (listed on accompanying PTO/SB/08A as document FP3)	
	NPL13	Dialog File 351, Accession No. 2777922, Derwent WPI English language abstract for EP 0 094 349 A2 (listed on accompanying PTO/SB/08A as document FP4)	
	NPL14	Dialog File 351, Accession No. 3892231, Derwent WPI English language abstract for EP 0 174 562 A2 (listed on accompanying PTO/SB/08A as document FP5)	
	NPL15	Dialog File 351, Accession No. 3770049, Derwent WPI English language abstract for EP 0 191 736 A2 (listed on accompanying PTO/SB/08A as document FP6)	
	NPL16	Dialog File 351, Accession No. 4372286, Derwent WPI English language abstract for EP 0 269 806 A1 (listed on accompanying PTO/SB/08A as document FP8)	
	NPL17	Dialog File 351, Accession No. 4889149, Derwent WPI English language abstract for EP 0 333 131 A1 (listed on accompanying PTO/SB/08A as document FP9)	
	NPL18	Dialog File 351, Accession No. 4963457, Derwent WPI English language abstract for EP 0 346 620 A1 (listed on accompanying PTO/SB/08A as document FP10)	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/579,099 (U. S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/012646)
				Filing Date	November 9, 2004
				First Named Inventor	FISCHER, Reiner
				Art Unit	To be Assigned
				Examiner Name	To be Assigned
Sheet	3	of	4	Attorney Docket Number	2400.0400000/VLC/THN

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	NPL19	Dialog File 351, Accession No. 5386698, Derwent WPI English language abstract for EP 0 355 599 A1 (listed on accompanying PTO/SB/08A as document FP11)	
	NPL20	Dialog File 351, Accession No. 5225712, Derwent WPI English language abstract for EP 0 377 893 A2 (listed on accompanying PTO/SB/08A as document FP12)	
	NPL21	Dialog File 351, Accession No. 5466100, Derwent WPI English language abstract for EP 0 415 211 A2 (listed on accompanying PTO/SB/08A as document FP13)	
	NPL22	Dialog File 351, Accession No. 5637050, Derwent WPI English language abstract for EP 0 442 073 A2 (listed on accompanying PTO/SB/08A as document FP16)	
	NPL23	Dialog File 351, Accession No. 5637204 Derwent WPI English language abstract for EP 0 442 077 A2 (listed on accompanying PTO/SB/08A as document FP17)	
	NPL24	Dialog File 351, Accession No. 5720288, Derwent WPI English language abstract for EP 0 456 063 A2 (listed on accompanying PTO/SB/08A as document FP18)	
	NPL25	Dialog File 351, Accession No. 5984812, Derwent WPI English language abstract for EP 0 492 366 A2 (listed on accompanying PTO/SB/08A as document FP19)	
	NPL26	Dialog File 351, Accession No. 6600806, Derwent WPI English language abstract for EP 0 521 334 A1 (listed on accompanying PTO/SB/08A as document FP20)	

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				Filing Date	November 9, 2004
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	NPL27	Dialog File 351, Accession No. 6665683, Derwent WPI English language abstract for EP 0 582 198 A2 (listed on accompanying PTO/SB/08A as document FP22)	
	NPL28	Dialog File 351, Accession No. 6975167, Derwent WPI English language abstract for EP 0 596 298 A2 (listed on accompanying PTO/SB/08A as document FP23)	
	NPL29	Dialog File 351, Accession No. 6979861, Derwent WPI English language abstract for EP 0 613 884 A2 (listed on accompanying PTO/SB/08A as document FP25)	
	NPL30	Dialog File 351, Accession No. 6979862, Derwent WPI English language abstract for EP 0 613 885 A2 (listed on accompanying PTO/SB/08A as document FP26)	
	NPL31	Dialog File 351, Accession No. 7380333, Derwent WPI English language abstract for EP 0 668 267 A1 (listed on accompanying PTO/SB/08A as document FP31)	
	NPL32	Dialog File 351, Accession No. 9053979, Derwent WPI English language abstract for DE 196 21 522 A1 (listed on accompanying PTO/SB/08A as document FP39)	
	NPL33	International Search Report for International Application No. PCT/EP2004/012646, European Patent Office, Netherlands, mailed on February 18, 2005	

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